

REMARKS

Status of the Claims

Claims 1, 9-11 and 16 have been amended. Claims 1- 7, 9-12, and 16 are pending.

Claims 1 and 16 are independent.

Requested Action

Applicant respectfully requests the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks. Applicant also respectfully requests that this amendment be entered, since it is being filed with an RCE.

Claim Rejections

Claim 16 is rejected under 35 U.S.C. §102(e) as being anticipated by Endo (U.S. Patent Publication No. 2003/0044174). Claims 1-3 and 6-12 rejected under 35 U.S.C. §103(a) as being unpatentable over Endo in view of Sakamoto (U.S. Patent No. 6,183,142).

In response, while not conceding the propriety of the rejections, independent Claims 1 and 16 have been amended. Applicant submits that as amended, these claims are allowable for the following reasons.

Independent Claim 1 relates to an image taking apparatus comprising a light splitting apparatus, a view finder optical system, an image pickup element, and a focus detection unit. The light splitting unit splits a light flux from an image-taking lens into a plurality of light fluxes. The view finder optical system is configured and positioned to observe an object image formed by the light flux from the image-taking lens. The image pickup element photoelectrically converts the object image to an electrical signal. The focus detection unit is configured and positioned to detect the focusing state of the image-taking lens according to a phase difference

detection system. The light splitting unit changes its state among a first state in which the light flux is directed to the view finder optical system and the focus detection unit, a second state in which the light flux is directed to the image pickup element and the focus detection unit and a third state in which the light flux is directed only to the image pickup element.

Claim 1 has been amended to recite that the light splitting unit has a first mirror comprising a half mirror and second mirror, which are movable independently of each other. Claim 1 has also been amended to recite that in the first state, part of the light flux is reflected by the first mirror and directed to the view finder optical system, and the rest of the light flux passes through the first mirror, is reflected by the second mirror and directed to the focus detection unit. In addition, Claim 1 has been amended to recite that in the second state, part of the light flux is reflected by the first mirror and directed to the focus detection unit, and the rest of the light flux passes through the first mirror and is directed to the image pickup element.

By this arrangement, by using same member (i.e., the first mirror), the light flux in the first state can be directed to the view finder optical system and the light flux in the second state can be directed to the focus detection unit.

In contrast, the citations to Endo and Sakimoto et al. are not understood to disclose or suggest that 1) in a first state, in which the light flux is directed to the view finder optical system and the focus detection unit, part of the light flux is reflected by a first mirror and directed to the view finder optical system, and the rest of the light flux passes through the first mirror, is reflected by a second mirror and directed to the focus detection unit, 2) in a second state, in which the light flux is directed to the image pickup element and the focus detection unit, part of the light flux is reflected by the first mirror and directed to the focus detection unit, and the rest of the light flux passes through the first mirror and is directed to the image pickup element, as recited by amended Claim 1. Rather, the Endo citation, which was cited to show the first two

states recited by Claim 1, is understood to show that a submirror 11 directs light to a focus detection sensor 31.

MPEP § 2142 requires the cited art to disclose or suggest *all* the claimed features to establish a prima facie case of obviousness. Here, as noted above, the applied art is not understood to disclose or suggest the newly added features of amended Claim 1. Therefore, the Office has not yet established a prima facie case of obviousness against amended Claim 1. For this reason, Applicant respectfully requests that the rejection of amended Claim 1 be withdrawn.

Independent Claim 16 relates to a lens apparatus mounted on an image taking apparatus operating in a first mode in which a light flux from an object is directed to a view finder optical system and a focus detection unit and a second mode in which the light flux is directed to an image pickup element and the focus detection unit. The apparatus comprises a communication unit which communicates with the image taking apparatus, a light quantity adjusting unit which controls the quantity of the light flux directed to the image taking apparatus, and a control circuit which controls the driving of the light quantity adjusting unit according to the communication of the communication unit. The control circuit changes the practice of the control of the light quantity adjusting unit according to the first mode and the second mode.

Claim 16 has been amended to recite that the control circuit also controls the driving of a light quantity adjusting unit, which controls the quantity of the light flux directed to an image taking apparatus, *in a first mode* in which a light flux from an object is directed to a view finder optical system and a focus detection unit *and in a second mode* in which the light flux is directed to an image pickup element and the focus detection unit.

In contrast, the citation to Endo is not understood to disclose or suggest a control circuit that controls the driving of a light quantity adjusting unit, which controls the quantity of the light flux directed to an image taking apparatus, *in a first mode* in which a light flux from an object is

directed to a view finder optical system and a focus detection unit *and in a second mode* in which the light flux is directed to an image pickup element and the focus detection unit, as recited by amended Claim 16. Rather, this citation is understood to disclose that a microcomputer 21 calculates a stop control value when light flux is directed to a finder system 100 and a CCD 41 and the mirror 7 is at the position shown in Fig. 1; it is not understood to disclose driving a stop after the mirror 7 is moved up and light is directed to the CCD 41 and the SNS1 31 and not to the finder system 100.

Since the Endo citation is not understood to disclose or suggest at least one feature of amended Claim 16, Applicant submits that the Office has not satisfied its burden of proof to establish anticipation of Claim 16 over the Endo citation. Therefore, Applicant respectfully requests that the rejection of Claim 16 be withdrawn.

The dependent claims are allowable for the reasons given for the independent claims and because they recite features that are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

Conclusion

In view of the above amendments and remarks, the application is in allowable form and entry of this amendment is considered proper. Therefore, early passage to issue is respectfully solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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